

09/070,831

REMARKS

Claims 1-11 and 23-40 are all the claims pending in the application. Claims 12-22 are canceled above only to reduce the excess claim fee payment. Claims 23-40 are added, above, to further define the invention. Claims 1-11 stand rejected on prior art grounds. Applicants respectfully traverse the rejections based on the following discussion.

I. The Prior Art Rejections

Claims 1-6 and 9-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Escobar (US Patent No. 5,826,102); and claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Escobar in view of Fries (US Patent No. 6,317,885). Applicants respectfully traverse these rejections based on the following discussion.

A. The Rejection Based on Escobar**1. The Position In the Office Action**

With respect to the rejection of claim 1, the Office Action states that the claimed method of dynamically generating a presentation sequence from a plurality of presentation documents comprising the step of receiving the plurality of authored presentation documents from a plurality of data sources is met by Escobar, col. 2, lines 56-60 & col. 7, lines 27-61. The Office Action contends that the raw assets are received at the sever 220 and may be retrieved by the workstation 200. The Office Action recites that Escobar discloses the claimed feature of applying the plurality of authored presentation documents to a set of presentation rules, (Fig. 5E; col. 10, lines 18-50; col. 10, lines 66-67). The Office Action states that the claimed presentation rules is broad

09/070,831

enough to read on the operator programming the time when each object will be presented for display, which is the essence of Escobar, (Abstract; col. 4, lines 11-16). The Office Action suggests that the claimed step of generating the presentation sequence in response to the applying step reads on Escobar, col. 11, lines 8-12 & col. 20, lines 34-45.

2. The Escobar Reference

Escobar discloses a network arrangement for the delivery and presentation of multimedia applications includes one or more file servers, containing multimedia assets and program objects connected to the network. A user terminal connected to the network includes a display for displaying a plurality of timelines. The terminal also includes a graphical user interface for placing icons representing multimedia assets on one timeline and icons representing program objects on another timeline. The terminal has a processor which integrates multimedia objects from the multimedia assets associated with the first timeline with the program objects associated with the second timeline to produce an interactive multimedia application. A user input device cooperates with the user terminal to retrieve from the file server(s) and to playback or execute one or more objects at a relative time presented on the interactive multimedia application.

3. Applicants' Response

MPEP § 2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. Further, the elements must be arranged as required by the claim. In this rejection, a number of claim elements defined by the independent claims are not disclosed (either expressly or inherently) in the Escobar reference.

More specifically, there are a number of elements defined by independent claim 1 that are

09/070,831

not taught or suggested by Escobar. For example, claim 1 defines that a "plurality of authored presentation documents" are retrieved. To the contrary, Escobar does not disclose using authored presentation documents. Instead, Escobar combines a number of multimedia assets in order to create an authored presentation document. For example, as explained in column 6, line 57-64, Escobar takes raw production assets and creates a timeline for the combination of such raw production assets through a "drag and drop" operation to create a specific application (authored application). Therefore, Escobar clearly does not disclose the use of "authored presentation documents" as defined by independent claim 1. *from an asset = author*

As another example, Escobar does not disclose applying the authored presentation documents to a set of "presentation rules" as is claimed. The Office Action argues that the claimed "presentation rules" feature is broad enough to read on the timeline; however, the timeline in Escobar clearly does not contain "rules", but instead includes instructions necessary to make a single specific authored presentation document.

The Office Action argues that the series of instructions (that are applicable only to a specific authored presentation being created) are actually rules. The forgoing admits that Escobar does not teach rules, but argues that one ordinarily skilled in the art would treat Escobar's instructions as rules. Thus, the Office Action actually admits that Escobar does not disclose this feature (as required by 35 U.S.C. § 102). *this is true*

A rule is distinguished from an instruction because an instruction is executed a single time in order to achieve a specific goal. To the contrary, a rule is something that is always obeyed (e.g., repeatedly) until changed, and is applicable over a broader spectrum than instructions (e.g., to multiple presentations). Thus, the rules in the claimed invention can be used to create a number of presentation sequences without being changed. To the contrary, if the instructions contained within the timeline in Escobar are unchanged, the exact same authored presentation will be created. *not limited to a single instance*

The instructions in Escobar cannot be considered rules because they are associated with a

09/070,831

single presentation document. Each timeline in Escobar is different for each different authored presentation document. Indeed, the system in Escobar uses each unique set of instructions contained within each timeline for a single specific authored document only. If these instructions are changed (the timeline is modified) a different authored presentation document will be produced. Therefore, Escobar clearly does not disclose rules and instead discloses an improved "drag-and-drop" user interface to create a single authored presentation document.

The actions taken to satisfy the "drag and drop" timeline created in Escobar are clearly instructions because they are executed only one time and are associated with a single unique authored presentation document. On the other hand, rules would be applicable to a broader spectrum (e.g., more than one presentation). The invention applies "rules" that are always followed and can be established before the documents are received. Therefore, the generation of the presentation sequence can be performed automatically without the need for a user to specify the exact details of the presentation. To the contrary, with the system described in Escobar, the "instructions" issued according to the timeline established must be generated each time an authored document is created. Thus, it is Applicants position that Escobar does not disclose applying "authored presentation documents" to a set of "presentation rules," as defined by independent claim 1, and cannot anticipate independent claim 1.

With respect to independent claim 10, once again, Escobar is deficient in disclosing a number of the claimed features. For example, independent claim 10 defines "maintaining a library of rules." Once again, the Office Action argues that the timeline comprises a library of rules. However, as shown above, each timeline is merely a specific list of instructions unique to each authored presentation document and cannot comprise rules.

In addition, Escobar does not disclose "testing each rule in the library for each received event" as defined by independent claim 10. The Office Action references the disclosure in columns 4 and 11 as teaching such features. However, column 4 describes the "drag and drop" placement of icons on a timeline and the playback of the objects in the sequence corresponding to

09/070,831

the timeline. Similarly, the disclosure in column 11 explains how the timeline is utilized to create a playback consistent with the icons placed on the timeline. There is no disclosure or implication of testing each rule in the library of rules for each received event.

Similarly, Escobar does not disclose the application of each rule to the presentation to modify the presentation and create a new presentation as defined by the last limitation in claim 10. Therefore, the invention uses the library of rules to modify the received presentations, if necessary. Escobar cannot disclose such a feature because Escobar relates to the user friendly creation of an icon driven timeline for combining various raw production assets to create a single authored presentation document (and not applying rules to modify a presentation). Thus, as with claim 1 discussed above, it is also Applicants position that Escobar does not disclose many of the features defined by independent claim 10 and does not anticipate independent claim 10.

Similarly, it is Applicants position that Escobar does not anticipate independent claim 11. For example, Escobar does not disclose "programmatically" selecting components as a subsequent portion of a presentation after an initial portion of the presentation has been selected, as defined by the first two limitations in claim 11. Indeed, this is contrary to the teachings of Escobar which require the user to affirmatively create an entire timeline for each authored presentation document. Applicants' Figure 1A is a block diagram of a distributed multimedia presentation environment utilizing the programmatic presentation generator of the present invention. In Fig. 1A, a programmatic presentation generator 1A4 dynamically generates presentation sequences or, once generated, dynamically modifies the presentation sequences reflecting user input, presentation rules, and external events. To the contrary, Escobar requires manual (as opposed to "programmatic") selection of the entire sequence of icons placed along the timeline. Thus, as with independent claims 1 and 10, is also Applicants position that a number of features defined by independent claim 11 are not disclosed or implied by Escobar. Therefore, independent claim 11 is not anticipated by Escobar.

Thus, as shown above, independent claims 1, 10 and 11 are not anticipated by Escobar.

09/070,831

Further, dependent claims 5-6 and 9 are similarly not anticipated by Escobar, not only by virtue of their dependency from a non-anticipated independent claim, but also by virtue of the additional features of the invention they define. In view the forgoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

B. The Rejection Based on Escobar in view of Fries

1. The Position in the Office Action

Considering claims 7 and 8 the Office Action declares that Escobar does not explicitly discuss the feature of metadata. The Office Action argues that at the time the invention was made, the use of metadata as a supplement to video programming the well-known in the art, and is taught by Fries (Abstract; Fig. 9; Fig. 12; col. 4, lines 10-30 & col. 10, lines 32-38). The Office Action further recites that Fries discloses that the metadata may include instructions to modify the presentation of documents based upon certain events (col. 11, lines 24-38; col. 11, lines 51-60). The Office Action contends that it would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Escobar with the well-known feature of using meta-data to change a set of presentation rules, at least for the desirable benefit of efficiently updating the desired presentation sequence of documents, as taught by Fries. The Office Action concludes that Escobar discusses the software for carrying out the presentation sequence editing and playback. Since the instructions are in software form, they may at least be temporarily stored on a recording medium, (col. 6, lines 11-18; col. 7, lines 61-67; col. 8, lines 1-14).

09/070,831

2. The Fries Reference

Fries discloses an interactive entertainment and information system using a television set-top box, wherein pages of information are periodically provided to the set-top box for user interaction therewith. The pages include associated meta-data defining active locations on each page. When a page is displayed, the user interacts with the active locations on the page by entering commands via a remote control device, whereby the system reads the meta-data and takes the action associated with the location. Actions include moving to other active locations, hyperlinking to other pages, entering user form data and submitting the data as a form into memory. The form data may be read from memory, and the pages may be related to a conventional television program, thereby providing significant user interactivity with the television.

3. Applicants' Response

Initially, Applicants note that the Office Action fails to set forth a "prima facie" case of obviousness for number of reasons. There is no basis provided in the art for combining our modifying the references as proposed in the Office Action. The mere fact that references can be combined or modified does not render the resulting combination obvious unless the prior art also suggest the desirability of the combination (MPEP § 2143.01). Fries is related to the inclusion of meta-data with pages of a conventional television program to allow user interactivity with television. There is no motivation within Fries to apply such technology to the "drag and drop" timeline interface described in Escobar. Thus, Applicants submit that the rejection is defective because there is no motivation in the prior art to make the combination suggested in the Office Action.

Further, as mentioned above, the technology to which Fries and Escobar are related are

09/070,831

essentially non-analogous. And shown above, Escobar relates to an improved "drag and drop" user interface that helps establish a timeline to create an authored presentation document. Fries relates to the inclusion of meta-data within pages broadcast over a conventional television program to allow users increased interactivity with the television. While both disclosures generally relate to a user viewing a type of audio-visual presentation, their similarity stops there. The two cannot be considered analogous art fields. Audio-visual presentations cover a tremendously broad number of different art fields. The art field described in Escobar is substantially separate from the art field described in Fries and the two cannot be considered analogous. Thus, Applicants also submit that the rejection is defective because the references are not legally combinable, being from different art fields. Therefore, since the Office Action has failed to set for a "prima facie" case of obviousness, Applicants respectfully request that the rejection be withdrawn. In addition, Applicants note that Fries is only referenced for the limited teaching of meta-data and does not cure any of the deficiencies shown above with respect to the rejection of independent claims 1, 10, and 11. Therefore, the rejection of dependent claims 7 and 8 are moot because of the deficiencies of Escobar discussed above. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. Formal Matters and Conclusion

Applicants note that independent claim 11 is amended above in order to remove a redundant limitation. The amendment does not relate to patentability and is not made in order to overcome a rejection. More specifically, the limitation regarding disposing of a subsequent portion following an initial portion is included within the synchronizing process which follows. Therefore, since the limitation was redundant, it was removed from independent claim 11 in order to more clearly define to potential infringers what Applicants claim as their invention.

In view of the foregoing, Applicants submit that claims 1-11 and 23-40, all the claims

09/070,831


presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

Dated: 8/14/02



Frederick W. Gibb, III
Reg. No. 37,629

McGinn & Gibb, P.C.
2568-A Riva Road
Suite 304
Annapolis, MD 21401
Customer Number: 28211

09/070,831

ATTACHMENT

Marked Up Version of Changes Made:

11. (Amended) A method for dynamically composing a presentation from a plurality of multimedia components comprising the steps of:
- selecting one or more of the multimedia components to be identified as an initial portion of the presentation;
 - programmatically selecting, one or more other multimedia components to be identified as a subsequent portion of the presentation;
 - [disposing the subsequent portion with or following the initial portion;] and
 - synchronizing the selected components to form the presentation.

Please cancel claims 12-22.

Please add the following new claims:

23. The method in claim 1, further comprising, prior to said receiving of said authored presentation documents, establishing a library of rules.
24. The method in claim 23, wherein said establishing of said library of rules is based on user input.
25. The method in claim 1, further comprising repeating said applying of said presentation rules to different sets of authored presentation documents.
26. The method in claim 1, wherein said authored presentation documents comprise pre-composed and completed authored broadcast presentations.

09/070,831

27. A method for creating a presentation comprising:
creating a set of rules based on user input;
after said creating process, identifying at least one multimedia component as an initial portion of said presentation;
automatically selecting, without user intervention, at least one other multimedia component as a subsequent portion of the presentation based on said initial portion and said rules; and
synchronizing said initial portion and said subsequent portion to output said presentation.
28. The method of claim 27, wherein said multimedia components comprise continuous media components.
29. The method of claim 27, wherein said multimedia components comprise at least one of audio, video, text, and image components.
30. The method of claim 27, wherein said multimedia components comprise non-continuous media components.
31. The method of claim 27, wherein said process of creating said rules is based on at least one of user input parameters, past presentation history, and a current state.
32. The method of claim 27, wherein automatically selecting process is responsive to at least one of line content and meta-data.
33. A method of dynamically generating a presentation sequence from a plurality of multimedia segments, said method comprising:

09/070,831

creating a set of rules based on user input;
after said creating process, receiving said multimedia segments from at least one data source;
selecting ones of said multimedia segments based on said rules;
sequencing selected ones of said of multimedia segments in accordance with said rules;
and
generating said presentation sequence in accordance with said sequencing.

34. A method of automatically generating a presentation from a plurality of pre-composed and completed authored broadcast presentations, said method comprising:
creating a set of rules based on user input;
after said creating process, receiving said broadcast presentations from at least one data source; and
applying said rules to said broadcast presentations to automatically produce, without user intervention, said presentation.

35. A method of automatically generating a presentation from a plurality of multimedia segments, said method comprising:
creating a set of rules based on user input;
after said creating process, receiving said multimedia segments from at least one data source; and
applying said rules to said multimedia segments to automatically produce, without user intervention, said presentation.

36. A method of automatically generating a presentation from a plurality of multimedia segments, said method comprising:

09/070,831

creating a set of rules based on user input;
after said creating process, receiving said multimedia segments from at least one data source; and
selecting ones of said multimedia segments based on said rules to automatically produce, without user intervention, said presentation.

37. A program storage device readable by machine tangibly embodying a program of instructions executable by said machine for performing a method of dynamically generating a presentation sequence from a plurality of multimedia segments, said method comprising:

creating a set of rules based on user input;
after said creating process, receiving said multimedia segments from at least one data source;
selecting ones of said multimedia segments based on said rules;
sequencing selected ones of said of multimedia segments in accordance with said rules;
and
generating said presentation sequence in accordance with said sequencing.

38. An automatic presentation generator comprising:

a library of rules that are based on user input;
an input adapted to receive information from at least one data source maintaining a plurality of multimedia segments; and
a computation engine adapted to apply said rules to said multimedia segments to automatically produce, without user intervention, a presentation.

39. The automatic presentation generator in claim 38, further comprising a set top box housing said library, said input, and said computation engine.

09/070,831

40. The automatic presentation generator in claim 38, further comprising a television housing said library, said input, and said computation engine.